

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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ALICIA M. GARAFALO,  
Plaintiff,

vs.

Civil Action No.  
1:11-CV-87 (MAD/RFT)

CITY OF SARATOGA SPRINGS, NEW YORK;  
COMMISSIONER OF PUBLIC SAFETY FOR THE  
CITY OF SARATOGA SPRINGS, NEW YORK;  
CITY OF SARATOGA SPRINGS, NEW YORK POLICE  
DEPARTMENT; EDWARD F. MOORE; and  
MICHAEL J. WELCH;

Defendants.

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APPEARANCES:

Tabner, Ryan Law Firm  
18 Corporate Woods Blvd.  
Albany, NY 12211-2605  
*Attorney for Plaintiff*

Bailey, Kelleher Law Firm  
Pine West Plaza 5  
Suite 507  
Washington Ave. Extension  
Albany, NY 12205  
*Attorney for Defendants*

OF COUNSEL:

Thomas R. Fallati, Esq.

Nannette R. Kelleher, Esq.  
William C. Firth, Esq.

**Mae A. D'Agostino, U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The Court has been advised that this action has been settled, or is in the process of being settled. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within sixty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the sixty-first day after the date of the filing of this order unless any party moves to re-open this case within sixty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language “that no party hereto is an infant or incompetent” in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

Dated: October 30, 2013  
Albany, New York

  
Mae A. D'Agostino  
U.S. District Judge